



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

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Date Mailed: June 12, 2017
MAHS Docket No.: 17-005311
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on ██████████ ██████████ from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by ██████████ ██████████ Hearing Facilitator, and ██████████ ██████████, Eligibility Specialist.

ISSUES

Did the Department properly deny the Petitioner's Family Independence Program (FIP) application?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At the hearing, the Food Assistance Program (FAP) had been corrected and reinstated; and the Petitioner withdrew her hearing request on that issue.
2. The Petitioner filed an application for Cash Assistance FIP on ██████████. Exhibit A.
3. The Petitioner listed her home address as ██████████ ██████████ Exhibit A, p. 2.

4. The Petitioner's mail was returned, stamped with "Return to Sender, attempted, Unable to forward." Exhibit B.
5. The Department issued a Notice of Case Action denying the Petitioner's application for FIP Cash Assistance for failure to attend Partnership.Accountability.Training.Hope. (PATH) orientation program effective [REDACTED]. Exhibit C.
6. The Department's History of Correspondence showed that an appointment Notice to Attend PATH, Verification of Student Information, Notice of Case Action, a FAST Notice Mandatory and a Notice of Case Action on [REDACTED], were sent to Petitioner and were returned. Exhibit D.
7. The Petitioner's correct address was [REDACTED]. Exhibit F.
8. The Petitioner filed a timely hearing request on [REDACTED].

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, the Department denied the Petitioner's FIP cash assistance [REDACTED] application due to failure to attend the PATH program orientation. The Petitioner put an incorrect address on the application and agreed it was incorrect. Consequently, the Department denied the FIP application after the Department did not receive any response to several letters and notices it sent to the Petitioner to the address she provided. Exhibits D and E.

Completion of the 21 day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. PATH participants must complete all of the following in order for their FIP application to be approved:

- Begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice.
- Complete PATH AEP requirements.
- Continue to participate in PATH after completion of the 21 day AEP.

Deny the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229,

Given the fact that the Department could only send the mail to the Petitioner at the address she requested, the Petitioner failed to respond to any of the notices; and given the Petitioner's failure to attend PATH, the Department correctly denied the application. The Petitioner may reapply for FIP cash assistance at any time. BEM 229 (October 1, 2015, p. 1.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Petitioner's FIP Cash Assistance application due to failure to attend the PATH orientation.

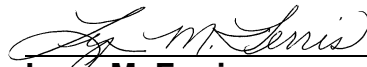
In addition, the Petitioner withdrew her FAP hearing request as the FAP was reinstated; and no issue remained to be determined by the undersigned.

Accordingly, the Department's decision is

AFFIRMED with respect to the FIP application denial.

DISMISSED with respect to the FAP closure as the FAP hearing request was withdrawn on the record by Petitioner.

LMF/jaf



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

DHHS

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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